

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL

Case No. 2:22-cv-06287-RGK-MRWx Date December 22, 2022

Title ertha Diaz v. Nissan North America, Inc., et al.

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

<u>Joseph Remigio</u>	<u>N/A</u>
Deputy Clerk	Court Reporter

Attorneys Present for Plaintiffs: Attorneys Present for Defendants:

<u>None appearing</u>	<u>None appearing</u>
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Proceedings: **(In Chambers) Order to Show Cause re Dismissal for Lack of Prosecution**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed.R.Civ.Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed.R.Civ.Proc. 12(a)(1).

In the present case, it appears that one or more of these time periods has not been met. Accordingly, the court, on its own motion, orders plaintiff(s) to show cause in writing by **December 29, 2022**, why this action should not be dismissed for lack of prosecution as to certain defendant/s.

Alternatively, the Court will consider the following a satisfactory response to the Order to Show Cause:

	Alternative Response	Response Due Date	As to Defendant/s:
	Proof of timely service of summons and operative complaint		
X	Response to the operative Complaint	12/27/2022	Nissan North America, Inc.
X	If defendant fails to respond on the date above, Plaintiff's application for entry of default by clerk pursuant to Rule 55a of the Federal Rules of Civil Procedure	12/29/2022	Nissan North America, Inc.
	Plaintiff's motion for default judgment pursuant to Rule 55b of the Federal Rules of Civil Procedure		

If a satisfactory response is not timely filed, the matter or the listed defendants will be dismissed for lack of prosecution.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument.

Plaintiff to serve this order on any non-appearing defendant/s.